

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00119-04

BRATTEN SMITH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 21, 2016, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Bratten Smith, appeared in person and by his counsel, Tim C. Carrico, for a hearing on the petition on supervised release and amendment thereto submitted by Senior United States Probation Officer Amy Berry Richmond. The defendant commenced a three-year term of supervised release in this action on January 21, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 6, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the federal and state offense of manufacturing marijuana with the intent to distribute for which he was arrested on September 21, 2015, as evidenced by his agreement on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (2) the defendant committed the state offenses of two counts of breaking and entering, one count of possession of firearms, two counts of petit larceny, and three counts of destruction of property for which he was arrested on August 18, 2016, as evidenced by his agreement on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; and (3) the defendant failed to submit monthly reports for May and June, 2016; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWENTY (20) MONTHS, to be followed by a term of sixteen (16) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Ashland.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 22, 2016


John T. Copenhaver, Jr.
United States District Judge